page 1 of 2

Application and Preliminary Examination Report

533 Rec'd PCT/PTO 18 JUL 2000

	1 APPLICATION NO (if kind	own, see 37 CFR 15)	INTERNATIONAL APPLICATION NO		ATTORNEY'S D	OCKET NUMBER
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	months from the earl	liest claimed prior	rity date (37 CFR 1.492(e)).		\$	
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09/60052**3**533 Rec'd PCT/PTO 18 JUL 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application:

Luciano Rabboni

Docket No.: P-3012.1 Luppi

Serial No.:

For: ADDITIVE PRE-MIX FOR FOOD PRODUCTS

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL" Mailing Label No.EL610528178US Date of Deposit July 18, 2000 I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicted above and is addressed to the Assistant Commissioner for Patents, BOX PCT, Washington, D. C. 20231.

PRELIMINARY AMENDMENT

Priebe

Assistant Commissioner For Patents Washington, D.C. 20231

Dear Sir:

Please amend the application as follows:

IN THE CLAIMS:

By this amendment, Applicant is amending claims 4-13, 21, 22, and 27 as follows:

Claim 4, line 1, cancel "any preceding" and following "claim" insert -- 1, or 3, --

Claim 5, line 1, cancel "any preceding" and following "claim" insert -- 1, or 3, --

Claim 6 and 7, line 1, cancel --, or 5, --;

Claims 8-13, line 1, cancel "any preceding" and following "claim" insert -- 1-3, 6 or 7, --;

Claims 21 and 22, line 2, cancel "20" and insert -- 17--;

Claim 27, line 1, cancel "26" and insert --25 --.

The Commissioner is authorized to charge any deficiency in the enclosed fee or credit any refund to our Deposit Account No. 50-0852.

Respectfully submitted,

REISING, ETHINGTON, BARNES, KISSELLE LEARMAN & McCULLOCH, PC

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Date: July 17, 2000

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ADDITIVE PRE-MIX FOR FOOD PRODUCTS

The invention concerns preparing flowable or semifluid food products, in particular fruit sauces, or creams to be used as decorations, or stuffings, for ice-creams, confectionery and catering.

The prior art comprises preparing fruit sauces in industrial premises and the subsequent packaging for the delivery of the product to a professional user, as a confectioner or an icecream manufacturer, a cook or a pizza-maker, who introduces it into a complete food product for eating.

Therefore, the professional user is, at present, obliged to supply himself with a considerable range of sauces having different tastes, if he wishes to supply his customers with an acceptable range of products, for example ice creams, or cakes, incorporating said sauces. This involves a considerable increase in costs and, moreover, makes it difficult to preserve the various types of sauces, once the respective package has been opened.

Alternatively, the professional user himself necessary, prepare, in an extemporaneous manner, the sauces he needs, which involves a considerable waste of time. Furthermore it is difficult to obtain a creamy and compacted structure of the sauce and to preserve it after immediate use. In addition when fruit-salads are to be prepared, a drawback occurs consisting of a quick browning caused by perishability the fruit, said browning causing, in addition, alteration of the preparation taste.

An aim of the invention is to supply an user, in particular a professional user, with a compound which considerably facilitates the preparation of flowable or semifluid food

According to the invention, there is provided a pasty compound for foodt products containing at least one of the agents listed below:

antioxidant agent;

- preservative agent;
- acidifying agent;
- stabilising and thickening agent.

All the agents mentioned above may be contained in the compound according to the invention, but the compound may contain just some of said agents, depending on the desired features of the compound.

The antioxidant agent is particularly advisable when the compound is to be used for fruit sauces, because the antioxidant agent inhibits the natural browning of the fruit. The antioxidant agent preferably comprises ascorbic acid, salts and derivatives thereof, gallates, butylated hydroxyanisole, butilated hydroxytoluene, tocopherols.

The preservative agent has an antimicrobial effect and is particularly advisable for fruit sauces too, because it protects the sauce from microbial attacks.

The preservative agent preferably comprises sorbic acid and its salts, propionic acid and its salts, benzoic acid and its salts, hydroxybenzoates.

The acidifying agent is used to reduce the pH of the sauce resulting from the use of the compound, so as to facilitate the action of the preserving agent. Moreover the acidifying agent is used to freshen up the colours of the fruit and the flavour thereof because it restores the natural acidity of the fruit which has been altered by addition of sugar.

The acidifying agent preferably comprises citric acid, tartaric acid, metatartaric acid, malic acid.

The stabilising and thickening agent gives the compound a certain viscosity, inhibiting its surface flowing in such a way that the sauce which incorporates the compound exhibits a good adherence to a solid support, like the pastry of a cake, or an ice cream.

The stabilising and thickening agent may comprise modified or natural starch, precooked, or non-precooked, gelatines, alginic acid and its salts, guar gum and other gums, agaragar, carrageenin, meal of carob seeds, pectins, cellulose and

HOLLINE STREET

its derivatives, xantan gum.

The stabilising and thickening agent may be activated at room temperature, or at warm conditions (about 75° C).

The compound resulting from using a thickening agent which may be activated at room temperature is prefrably suitable for preparing sauces which have to be used at positive centigrade temperatures.

The compound resulting from using a thickening agent may be activated at warm condition is particularly suitable for preparing sauces which have to be used at negative centigrade temperatures, i.e. in particular to garnish ice cream, deepfrozen cakes, ice-cream cakes and confectionery products in general, both inside and in surface.

The compound preferably is in the form of powder, or creamy paste containing suitable proportions of various agents.

Examples of compounds according to the invention are illustrated here below. The composition of the compound, in each example, is detailed by means of the weight percentage of each ingredient per weight unit of the compound for food products (column A), or by means of the percentage of each component per weight unit of the product obtained using the compound (column B).

Example 1 Compound in powdery form suitable for being used at room temperature.

		A	В
-	L-ascorbic acid		
	(antioxidant agent)	0 - 5	0 - 2
-	sorbic acid or its salts		
	(preservative agent)	0 - 3	0 - 1,2
-	citric acid		
	(acidifying agent)	0 - 10	0 - 4

modified, or natural, precooked or non-precooked, starch which may be activated at room temperature (stabilising and WO 99/37168 PCT/EP99/00370

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thickening agent) 0 -80 0 - 32
- sugar qs

Example 2

Compound in powdery form suitable for being used at negative centigrade temperatures.

		A	В
-	L-ascorbic acid		
	(antioxidant agent)	0 - 5	0 - 2
-	sorbic acid or its salts		
	(preservative agent)	0 - 3	0 - 1,2
-	citric acid		
	(acidifying agent)	0 - 10	0 - 4
-	modified, or natural, precooked		
	or non-precooked, starch which		
	may be activated at warm		
	conditions		
	(stabilising and thickening		
	agent)	0 - 80	0 - 32
_	sugar '	q s	

Example 3

Compound in powdery form containing a stabilising and thickening agent which may be activated at room temperature.

	A	В
L-ascorbic acid		
(antioxidant agent)	0 - 10	0 - 4
sorbic acid or its salts		
(preservative agent)	0 - 10	0 - 4
citric acid		
(acidifying agent)	0 - 30	0 - 12
modified, or natural, precooked		
or non-precooked, starch which		
may be activated at room		
temperature		
(stabilising and thickening		
agent)	0 - 80	0 - 32
sugar	qs	
	<pre>(antioxidant agent) sorbic acid or its salts (preservative agent) citric acid (acidifying agent) modified, or natural, precooked or non-precooked, starch which may be activated at room temperature (stabilising and thickening agent)</pre>	L-ascorbic acid (antioxidant agent) 0 - 10 sorbic acid or its salts (preservative agent) 0 - 10 citric acid (acidifying agent) 0 - 30 modified, or natural, precooked or non-precooked, starch which may be activated at room temperature (stabilising and thickening agent) 0 - 80

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Example 4

Compound in powdery form containing a stabilising and thickening agent which may be activated at warm conditions

LIII	ckening agent which may be accivate	A	В
_	L-ascorbic acid		•
	(antioxidant agent)	0 - 10	0 - 4
	sorbic acid or its salts		
	(preservative agent)	0 - 10	0 - 4
_	citric acid		
	(acidifying agent)	0 - 30	0 - 12
_	modified, or natural, precooked		
	or non-precooked, starch which		
	may be activated at warm		
	conditions		
	(stabilising and thickening		
	agent)	0 - 80	0 - 32
_	sugar or dehydrated glucose syrup	qs	
	Example 5	-	
Com	pound in the form of a dense paste.		
0010	'	A	В
_	L-ascorbic acid		₩.
	(antioxidant agent)	0 - 10	0 - 4
	sorbic acid or its salts		
	(preservative agent)	0 - 10	0 - 4
_	citric acid		
	(acidifying agent)	0 - 30	0 - 12
_	modified, or natural, precooked		
	or non-precooked, starch		
	(stabilising and thickening		
	agent)	0 - 80	0 - 32
_	sugar or fructose, water,		
	glucose syrup	qs	3 7

The percentages of the ingredients indicated in column A are merely exemplificative, since also pastes having percentages not comprised within the ranges indicated may make possible to obtain a satisfactory product, if the ingredients are used in

suitable proportions with respect to the other ingredients of the product, in particular water, sugar and fruit. Therefore, in view of the results which can be obtained in connection with the food product, the percentage of the various ingredients shown in column B is more significant.

The wide range of values shown for the percentage of the starch depends on the features desired for the food product to be obtained. For example for fruit sauces to be used for garnishing ice creams, a certain degree of flowability of the product is required, which implies a relatively small quantity of starch, whereas for confectionery sauces, a greater thickness of the product may be required, so that it does not tend to flow, which implies a relatively high quantity of starch.

Particularly satisfactory results have been obtained using a modified starch.

A fruit sauce to be used at positive centigrade temperatures may be preprared by dry mixing a suitable quantity of compound of Example 1 with a suitable quantity of sugar, or fructose, adding water and subsequently adding fresh, or unfrozen, fruit, or fruit-juice.

Suggested doses for preparing a sauce containing 1 Kg of fruit:

****	sugar	375	g
-	compound of Example 1	125	g
_	water	250	g

To facilitate the dilution in water, it is preferred that the water is at a temperature greater than 50 °C.

Another fruit sauce to be used at positive centigrade temperatures and suitable for garnishing ice-creams may be preprared by dry mixing a suitable quantity of compound of Example 3 with a suitable quantity of sugar, or fructose, adding water and subsequently adding fresh, or unfrozen, fruit, or fruit-juice.

Suggested doses for preparing a fruit sauce for garnishing ice creams:

-	sugar	150	g	to	380	g
-	compound of Example 3	60	g	to	100	g
	water	100	g	to	300	g
_	fruit	400	g	to	500	g

To facilitate the dilution in water, it is preferred that the water is at a temperature greater than 50 $^{\circ}\text{C}$.

The sauce obtained reaches an optimal degree of brightness and creaminess after about 2 hours from preparation.

A further fruit sauce to be used at positive centigrade temperatures and suitable for garnishing ice-creams may be preprared by dry mixing a suitable quantity of compound of Example 5 with a suitable quantity of fresh, or unfrozen, fruit, or fruit-juice.

Suggested doses for preparing a fruit sauce for garnishing ice creams:

-	compound	of	Example	5	400	g	to	500	g
_	fruit				400	q	to	500	q

The ratio between the quantity of compound and the quantity of fruit may be advatageously about 1:1.

The sauce obtained reaches an optimal degree of brightness and creaminess after about 30 min from preparation.

A fruit sauce to be used at negative centigrade temperatures and containing fruit, possibly pieces of fruit, may be prepared by performing a preliminary process of partial candying of the fruit, dry mixing a suitable quantity of compound of Example 2 with a suitable quantity of sugar, or fructose, adding water to the mixture and finally adding the partially candied fruit previosly obtained.

Suggested doses for preparing a sauce containing 1 Kg of fruit:

	sugar for precandying	1000 g
_	temperature of precandying	50 °C
_	time of precandying (about)	5 hours
_	compound of Example 2	125 g
_	sugar	50 g
	water	250 g

temperature of activation of compoundtime for preparing (about)3 min

The sauce obtained has a very bright appearence with natural coloration.

Another fruit sauce to be used at negative centigrade temperatures and containing fruit, possibly pieces of fruit, may be prepared by performing a preliminary process of partial candying of the fruit, dry mixing a suitable quantity of compound of Example 3 with a suitable quantity of sugar, or fructose, adding water to the mixture and finally adding the partially candied fruit previously obtained.

Suggested doses for precandying fruit to be used in the preparation of the fruit sauce:

_	fruit	480 g
-	sugar for precandying	320 g
-	temperature of precandying	50 °C
_	time of precandying (about)	5 hours

Suggested doses for preparing the sauce using the precandied fruit:

-	compound of Example 3	60 g
_	sugar	50 g
-	water	100 g
-	precandied fruit	800 g
-	time for preparing (about)	3 min

The sauce obtained has a very bright appearence with natural coloration.

A sauce to be used at negative centigrade temperatures and obtained using fruit mix, puree, or fruit juice, may be prepared by dry-mixing the compound of Example 2 with a suitable quantity of sugar or fructose, adding the fruit mix, or puree, or fruit juice and heating at a temperature of 75 °C for a few minutes.

Suggested doses for preparing a sauce containing 1 Kg of fruit mix, puree, or fruit juice:

-	sugar				700	g
_	compound	of	Example	2	125	g

 temperature of activation for a few minutes

75 °C

The sauce obtained has a very bright appearence with natural coloration.

Another sauce to be used at negative centigrade temperatures and obtained using fruit mix, puree, or fruit juice, may be prepared by dry-mixing the compound of Example 3 with a suitable quantity of sugar or fructose, adding water, the fruit mix, or puree, or fruit juice.

Suggested doses for preparing a sauce containing fruit mix, puree, or fruit juice:

-	sugar	380 g
	compound of Example 3	70 g
-	water	150 g
_	fruit mix	400 g

The sauce obtained has a very bright appearence with natural coloration.

A further sauce to be used at negative centigrade temperatures and obtained using fruit mix, puree, or fruit juice, may be prepared by mixing the compound of Example 5 with a suitable quantity of fruit mix, or puree, or fruit juice.

Suggested doses for preparing a sauce containing fruit mix, puree, or fruit juice:

_	compound of	Example	5	700	g
_	fruit mix			500	g

The sauce obtained has a very bright appearence with natural coloration.

A fruit-salad sauce obtained using pieces of fresh fruit may be prepared by dissolving the coumpound of Example 3 in water and adding the pieces of fruit.

Suggested doses:

-	compound of Example 3	150 g
_	water	500 g
_	pieces of fruit	1000 g

Another fruit-salad sauceobtained by using pieces of fresh fruit may be prepared by dry mixing the compound of Example 3

with a suitable quantity of sugar, adding water and the pieces of fruit.

Suggested doses:

-	compound of Example 3	about	30 g
_	water		340 g
_	pieces of fruit		440 g

The resulting fruit salad has a bright appearence, a natural colour and taste and is protected from natural oxidation and microbial attacks.

Another fruit-salad sauce may be prepared by amalgamating the pasty compound of Example 5 with pieces of fruit and, if necessary, with water.

Suggested doses:

-	compound of Example 5	200	g
-	water (if necessary)	100	g
****	pieces of fruit	1000	α

A sauce containing fruit and suitable for stuffing baked confectionery, such as short pastry shells or tarts, may be prepared by mixing the compound of Example 4 with sugar, adding water, heating up to boiling temperature, adding fruit, possibly pieces of fruit, after heating has terminated.

Suggested doses: 1

-	compound	of	Example	4	50	g
~	sugar				200	g
-	water				250	g
-	fruit				500	g

A sauce containing fruit suitable for stuffing baked confectionery may be prepared by mixing the compound of Example 4 with sugar, adding water, heating up to boiling temperature and adding fruit, possibly pieces of fruit, after heating has terminated.

Suggested doses:

	compound of	of	Example	4	90	g
_	sugar				350	g
-	water				180	g
	fruit				440	g

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Another sauce containing fruit suitable for stuffing baked confectionery may be prepared by mixing the compound of Example 5 with unfrozen and drained fruit.

Suggested doses:

-	compound	of Exam	nple	5	700	g
_	fruit (de	frozen	and	drained)	500	α

A fruit sauce suitable for stuffing and garnishing spoon desserts, which are to be eaten at a positive temperature, may be prepared by mixing the compound of Example 4 with sugar, adding water, heating up to boiling temperature, adding fruit, possibly pieces of fruit, after heating has terminated and cooling.

Suggested doses:

-	compound	of	Example	4	60	g
_	sugar				200	g
-	water				240	g
_	fruit				500	g

The sauces obtained using the compounds according to the invention may be preserved in a refrigerator for a period of about 5 days, without organoleptic (microbiological) alterations, or alterations of the appearance, and outside the refrigerator for a period of about 3 days.

The invention provides a practical and versatile compound which allows the user to freely choose the type of sauce to be prepared depending on the particular tastes of his customers, or on the range of fresh fruit available on the market. Therefore it is no more necessary for the user to supply himself with ready-for-use sauces of different tastes in order to be able to offer his customers the desired variety of flavours. This implies a considerable economic saving and a simplification in managing the stocks of product.

A further advantage of the invention is that the sauces obtained have a very natural flavour and appearence, and do not have the flavour of cooked fruit which is usually produced by pasteurizing processes which are usually performed in the industrial preparation of the ready-to-use package sauces of

the prior art.

Moreover, with respect to conventional sauces, the compound according to the invention may be advantageously prepared without adding artificial flavours, which influence the taste of the preparation.

Finally, a further advantage lies in the fact that the compund according to the invention allows the user to prepare fruit sauces having greater or less consistency by simply increasing or decresing, respectively, the amount of compound used.

ART34

1 CLAIMS

- 1. A compound for preparing a food product consisting of a sweetening agent and at least one of the following agents: antioxidant agent; preservative agent; acidifying agent; stabilising and thickening agent.
- 2. A compound for preparing a food product, comprising an antioxidant agent and at least one of the following agents: preservative agent; acidifying agent; stabilising and thickening agent.
- 3. A compound for preparing a food product, comprising a preservative agent and at least one of the following agents: antioxidant agent; acidifying agent; stabilising and thickening agent.
- 4. A compound for preparing a food product, comprising an antioxidant agent and a preservative agent and at least one of the following agents: acidifying agent; stabilising and thickening agent.
- 5. A compound according to any preceding claim and further comprising a sweetening agent.
- 6. A compound according to any preceding claim and further comprising water.
- 7. A compound according to any preceding claim, wherein said antioxidant agent is selected from a group comprising ascorbic acid, salts and derivatives thereof, gallates, butylated hydroxyanisole, butilated hydroxytoluene, tocopherols.
- 8. A compound according to any preceding claim, wherein said preservative agent is selected from a group comprising sorbic acid and its salts, propionic acid and its salts, benzoic acid

and its salts, hydroxybenzoates.

- 9. A compound according to any preceding claim, wherein said acidifying agent is selected from a group comprising citric acid, tartaric acid, metatartaric acid, malic acid.
- 10. A compound according to any preceding claims, wherein said stabilising and thickening agent is selected from a group comprising starch, gelatines, alginic acid and its salts, guar gum and other gums, agar-agar, carrageenin, meal of carob seeds, pectins, cellulose and its derivatives, xantan gum.
- 11. A confection unit containing a compound for preparing a food product, said compound comprising a powder containing a sweetening agent and at least one of the following agents: antioxidant agent; preservative agent; acidifying agent; stabilising and thickening agent.
- 12. A confection unit containing a compound for preparing a food product, said compound comprising water and at least one of the following agents: antioxidant agent; preservative agent; acidifying agent; stabilising and thickening agent.
- 13. A confection unit according to claim 11, and further comprising a sweetening agent.
- 14. A confection unit according to any one of claims 11 to 13, wherein said antioxidant agent is selected from a group comprising ascorbic acid, salts and derivatives thereof, gallates, butylated hydroxyanisole, butilated hydroxytoluene, tocopherols.
- 15. A confection unit according to any one of claims 11 to 14, wherein said preservative agent is selected from a group comprising sorbic acid and its salts, propionic acid and its salts, benzoic acid and its salts, hydroxybenzoates.

- 16. A confection unit according to any one of claims 11 to 15, wherein said acidifying agent is selected from a group comprising citric acid, tartaric acid, metatartaric acid, malic acid.
- 17. A confection unit according to any one of claims 11 to 16, wherein said stabilising and thickening agent is selected from a group comprising starch, gelatines, alginic acid and its salts, guar gum and other gums, agar-agar, carrageenin, meal of carob seeds, pectins, cellulose and its derivatives, xantan gum.
- 18. A confection unit according to any one of claims 11 to 17 and further comprising water.
- 19. Use of a compound for preparing a food product comprising fruit salad, said compound comprising at least one of the following agents: antioxidant agent; preservative agent; acidifying agent; stabilising and thickening agent.

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NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not
encompassed in the original statement of invention or claims. See 37 CFR 1.67.
(c) was described and claimed in PCT International Application No filed on (if any).
ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR
I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.
I acknowledge the duty to disclose information
X which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations. § 1.56.
(also check the following items, if desired)
and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and In compliance with this duty there is attached an information disclosure statement 37 CFR 1.97.
PRIORITY CLAIM
I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.
(complete (d) or (e))

(complete (d) or (e))

(d) X no such applications have been filed.

(e) such applications have been filed as follows

NOTE: Where item (c) is entered above and the International Application which designated the U.S. claimed priority check item (e), enter the details below and make the priority claim.

A. PRIOR FOREIGN/PCT APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIM UNDER 35 USC 119
IT	MO98A000014	23. 01. 98	Yes
IT	MO98A000117	27.05.98	Yes
IT	MO98A000239	25.11.98	Yes

(Declaration and Power of Attorney page 2 of 5)

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

E.J. Biskup	18,987	E.T. Jones	40,037
R.C. Collins	27,430	J.F. Learman	17,069
P.J. Ethington	17,299	J.K. McCulloch	_17,451
J.C. Evans	20,124	J.P. Moran	20,941
R.L Farris	25,122	S.L. Permut	28,388
W.H. Francis	25,335	M.J. Schmidt	43,904
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(Declaration and Power of Attorney -- page 3 of 5)

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Full name of sole or	first inventor	
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		amily (or Last) Name
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Full name of third joi	nt inventor, if any	
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